EXHIBIT 5

From:	J Edward Bell
To:	adam.bain@usdoj.gov; Lipscomb, Bridget (CIV); Mirsky, Sara J. (CIV); Ryan, Patrick J. (CIV); Matthew D. Quinn; Kevin Dean; James A. Roberts; Zina Bash
Subject:	Camp Lejeune-Discovery
Date:	Wednesday, January 24, 2024 10:34:30 AM
Attachments:	image001.png
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Good Morning

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I am writing in response to Sara Mirsky's emails of January 22 and January 23, 2024, concerning three subjects: (a) the USMC muster roll project at Quantico, (b) the NARA/Ancestry.com muster roll project, and (c) the ATSDR's "health effects" and "water modeling" complete project files.

The ATSDR's Project Files

The PLG's letter of January 8, 2024, proposed a compromise to resolve the PLG's Motion to Compel [D.E. 81] and the government's Cross-Motion for Protective Order [D.E. 93]. That compromise would involve production of the ATSDR's "water modeling" and "health effects" complete project files (the "project files"). Following several email exchanges, the government most recently requested that the PLG "send us a list of the top 20 folders they would like to prioritize for review at this point, and we will ask ATSDR to prepare the sub-folder trees." *See* Ms. Mirsky's Email of 1/22/24.

We cannot agree to the government's proposal. The project files could be conveniently produced with little burden by simply uploading the same to an external hard drive and mailing the hard drive to the PLG. The contents of the project files—which formed the basis of the ATSDR's water modeling of Camp Lejeune—are clearly relevant. During the Status Conference of January 23, 2024, Magistrate Judge Jones expressed skepticism about the government's claim that the production of the project files must be delayed pending a privilege review. Magistrate Judge Jones noted that the Court has entered a Stipulated 502(d) Order, which permits the parties to "claw back" privileged documents that are inadvertently produced. [D.E. 30] Accordingly, there is no basis for delaying the production of these clearly relevant project files.

The ATSDR's "water modeling" and "health effects" complete project files are relevant and should be produced promptly. Please let us know your position on this matter.

Muster Rolls – Quantico

The Plaintiffs' Leadership Group ("PLG") would like to discuss the nature of the meeting in Quantico concerning the USMC's efforts to retrieve digitized muster rolls from a NAS. For this meeting to be constructive, it is important that the PLG's technical consultants be allowed to inspect/query the NAS at issue. Without this inspection, it will be difficult for the PLG's consultants to evaluate the government's statement that "[i]t does not appear that the USMC will be able to retrieve the muster rolls from this legacy system." *See* Ms. Mirsky's Email of 1/23/24. You will recall that, during the Status Conference of January 23, 2024, Magistrate Judge Jones provided guidance concerning the nature of the pertinent inspection in Quantico. Among other things, Magistrate Judge Jones clearly indicated that the PLG's technical consultants should be permitted to inspect the NAS that contains the digitized muster rolls.

The PLG requests that the inspection consist of the following two components:

(a)   In a recent letter, Ms. Mirsky stated that, "As of today, the Marine Corps was able to stabilize the hardware on which the data resides and regain access to the database that sits between the proprietary software and the muster roll images located on the external Network-Attached Storage (NAS)." *See* Ms. Mirsky's Letter of 1/12/24, at p 2. During the meeting at Quantico, the PLG requests that the government's consultants conduct a demonstration of this level of functionality by duplicating the queries already run.

(b)   The PLG requests that its consultants conduct an inspection of the NAS following the government's above-referenced demonstration. Among other things, this inspection will involve queries for specific clients of the law firms encompassing the PLG.

So that the PLG's technical consultants can be prepared for the meeting in Quantico, we also request that the government provide the following information:

(a)   In a recent email from the government, Jennifer Adams stated the following: "The tech team has also successfully regained access to the database that interfaces with the proprietary software and the muster roll images." *See* Ms. Adams' Email of 1/8/24. We ask that the government identify the specific Database Management System ("DBMS") employed for accessing the muster roll database and the referenced proprietary software.

(b)   Please identify the file size of the muster roll database.

(c)   Please identify the format of muster roll images stored on the NAS.

(d)   Please identify the technical reasons underlying the government's claim that "[i]t does not appear that the USMC will be able to retrieve the muster rolls from this legacy system." *See* Ms. Mirsky's Email of 1/23/24.

(e)   In a recent letter, Ms. Mirsky stated that "[s]everal test queries were performed and provided confirmation that the system appears to be working properly." *See* Ms. Mirsky's Letter of 1/12/24, at p 2. Please provide a copy of the output for each of the referenced test queries.

(f)   Please provide the names of the government's IT employees involved in this retrieval operation, as well as the names of the government's outside consultants involved in this retrieval operation. In an effort to ensure that the inspection is productive, we may take their depositions prior to the inspection. Additionally, we need to depose the outside vendor's representative that has been involved in challenging the system. That way, we can learn more about the software, the system platform that was utilized and other technical aspects to more fully understand the system prior to the inspection..

We appreciate your providing answers to these questions promptly. Based on the volume of work necessary prior to this inspection, we would like to postpone the January 30, 2024 date previously identified for this inspection. We can reschedule the inspection once the parties address the above-described issues. Finally, the government requested the names of persons attending the meeting in Quantico. We will provide responsive information once the inspection is rescheduled.

Muster Rolls – NARA/Ancestry.com

The PLG's email of January 22, 2024 expressed our belief that "[t]he government also agreed that its technical consultants could participate in a conference regarding the generation of data during this digitization effort" by NARA and Ancestry.com. In response, the government stated that it does "not believe that there is further information available regarding this effort," and "any remaining questions regarding the data created during the NARA/Ancestry.com project should be directed to Ancestry.com." *See* Ms. Mirsky's Email of 1/22/24.

The PLG reserves all rights to contact Ancestry.com about these matters or issue a subpoena to Ancestry.com. However, the PLG does not agree with the government's position that further meetings between the parties, including the parties' technical consultants, could not be fruitful. The PLG prefers to concentrate immediate efforts on the above-referenced inspection in Quantico. After that inspection, the PLG may renew its request for a meeting among the parties' respective technical consultants concerning the NARA/Ancestry.com digitization efforts. In the interim, we ask that the government provide the names of its IT personnel involved in the NARA/Ancestry.com digitization project, and we also ask that the government provide the names of any outside consultants with Ancestry.com or other organizations involved with this digitization project.

I look forward to your response to the above-referenced matters.

Thank you,
Ed Bell

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